

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

ALLEN KELSO,	§	
	§	
Plaintiff,	§	
	§	
v.	§	2:21-CV-181-Z-BR
	§	
NGUYEN VI,	§	
	§	
Defendant.	§	

**ORDER WITHDRAWING THE JANUARY 26, 2022 FINDINGS, CONCLUSIONS,  
AND RECOMMENDATION AND GRANTING PLAINTIFF'S MOTION FOR  
CONTINUANCE TO SEEK DEFAULT JUDGMENT**

On January 26, 2022, the undersigned United States Magistrate Judge entered a Findings, Conclusions, and Recommendation to Order Plaintiff to Seek Entry of Default and Move for Default Judgment (“FCR”). (ECF 11). Through the FCR, the undersigned recommended that the United States District Judge order Plaintiff to seek entry of default by the United States District Clerk and move for default judgment within 15 days of when the District Judge entered an order adopting the FCR, if the District Judge entered such an order. (*Id.* at 2).

On February 8, 2022, Plaintiff Allen Kelso filed a Motion for Continuance to Seek Default Judgment. (ECF 12). By that motion, Plaintiff states that “Defendant has been properly served with process and has not filed an Answer,” but “settlement negotiations are taking place between the parties.” (*Id.* at 1). “Plaintiff requests thirty (30) days in which to attempt to settle this case before asking this Court to enter an Order of Default Judgment.” (*Id.*).

Having considered Plaintiff’s motion (ECF 12), the Court finds it should be GRANTED. The undersigned hereby WITHDRAWS the January 26, 2022 Findings, Conclusions, and Recommendation (ECF 11). Plaintiff shall either (1) file a notice of dismissal under Rule 41 of the

Federal Rules of Civil Procedure or (2) file an Advisory stating the status of the parties' settlement negotiations on or before **March 10, 2022**. If Plaintiff does not file a notice of dismissal or Advisory providing good cause for his delay in seeking entry of default by the United States District Clerk and moving for default judgment, the undersigned intends to file a second Findings, Conclusions, and Recommendation to Order Plaintiff to Seek Entry of Default and Move for Default Judgment.

Finally, the undersigned notes that this case was filed on September 1, 2021—over five months ago. As such, Plaintiff is cautioned that the undersigned will be hesitant to entertain any future motions for continuance.

IT IS SO ORDERED.

ENTERED February 11, 2022.

  
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LEE ANN RENO  
UNITED STATES MAGISTRATE JUDGE